

in his provisional position and was found to be lacking one year, one month of qualifying experience.

On appeal, the appellant states that he worked out-of-title performing the duties of a Program Analyst while in the title Keyboarding Clerk 2, and he provides a list of ten duties. He also provides a "Certification of Out-of-Title Experience" completed by the appointing authority, which indicates he was performing out-of-title work as a Program Analyst from October 2015 to the present.

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides in pertinent part that applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process, unless good cause is shown for an exception.

CONCLUSION

At the outset, it is noted that titles are categorized as professional, para-professional or non-professional. *N.J.A.C.* 4A:4-2.5(a)1 states that professional titles require at least a Bachelor's or higher level degree, with or without a clause to substitute experience. Thus, since the Senior Program Analyst title requires completion of a Bachelor's degree with a substitution clause, which permits additional experience in lieu of the college credits, as well as two years of relevant experience, it is considered a professional title. Further, professional work is basically interpretive, evaluative, analytical and/or creative requiring knowledge or expertise in a specialized field of knowledge. This is generally acquired by a course of intellectual or technical instruction, study and/or research. *See In the Matter of Lewis Gordon* (Commissioner of Personnel, decided September 27, 1997) (Youth Worker title series not considered to be at a level and scope consistent with professional experience).

Conversely, *N.J.A.C.* 4A:4-2.5(a)2 states that para-professional titles require at least 60 general college credits or 12 or more specific college credits, with or without a clause to substitute experience. Also, *N.J.A.C.* 4A:4-2.5(a)3 states that non-professional titles require less than 60 general college credits or less than 12 specific college credits. The titles Keyboarding Clerk 2 and Keyboarding Clerk 1 are non-professional titles, which require no college credits.

When a promotion is between the above noted categories, *N.J.A.C.* 4A:4-2.5(c)2 permits the examination to be open to applicants who are permanent in an approved bridge title(s) and/or applicants who meet the complete open competitive requirements. A bridge title is one that is recognized by the Civil Service Commission as related to a higher category title in terms of work performed and

knowledge, skills, and abilities required. In the present matter, there is no bridge title to the subject title. Thus, the appellant is required to meet the open competitive requirements.

A review of the appellant's application reveals that he does not meet the announced requirements. When an applicant indicates extensive experience in titles established under the State Classification Plan, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. The experience description for the subject examination requires professional level experience in the review, analysis and evaluation of operating programs and this level of experience cannot be obtained while in nonprofessional titles. Experience gained as a Keyboarding Clerk 2 is not at the level and scope required, nor does it match the required experience. Further, on appeal, the appellant maintains that he performed professional Program Analyst duties while in the title Keyboarding Clerk 2. However, the duties involved looking at benefit plans and performing personnel actions, as well as additional work in the personnel office.

Additionally, while the appellant was credited with his provisional experience, a review of the duties that he listed indicates that he is not performing the work of a Program Analyst. Specifically, a program in government is generally considered to involve a unit responsible for performing projects and activities which are necessary to carry out a purpose or goal set forth in regulations or by law, focusing on a definite activity, providing a service to a specific third party, and generally requiring allocated funding. The definition section of the job specification for Program Analyst indicates that, under direction, incumbents gather information to analyze and evaluate the effectiveness of current or projected operating programs, prepare reports, recommend program changes, and do other related work. Therefore, the primary focus of the position is not to perform the work involved in a program, but to analyze such work to identify problem areas, trends, program effectiveness, program efficiency, and accomplishments, and to recommend improvements.

While the appellant analyzed data, identified problems and issues, and recommended improvements, these actions were in the personnel office. In this respect, a personnel office is not a program, and any work therein is unrelated to the work of a Program Analyst. While the appellant may have been working out-of-title while in the position of Keyboarding Clerk 2, it was not as a Program Analyst. As the appellant did not indicate that he is primarily performing work required of a Program Analyst, Agency Services should review the appellant's job duties to determine whether he is serving in the most appropriate title.

An independent review of all material presented indicates that the decision of Agency Services that the appellant did not meet the announced requirements for

eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied, and the matter of the appellant's classification be referred to Agency Services for review.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 4TH DAY OF APRIL, 2018



Deirdre L. Webster Cobb
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Matthew Dooley
Robert Jackson
Kelly Glenn
Records Center